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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,656	07/25/2000	H. Jim Fulford	2000.043500	7729

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EXAMINER

CHEN, KIN CHAN

ART UNIT	PAPER NUMBER
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1765

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DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,656

Applicant(s)

FULFORD, H. JIM

Examiner

Kin-Chan Chen

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group I, claims 1-19 with traverse in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. Claims 1-4, 8,9,12, 13, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by admitted prior art.

The admitted prior art teaches that a layer comprising a refractory metal is formed (page 3 of the specification, line 10). A greatest thickness (so-called a thickness in the instant claims) of the layer of refractory metal is determined (page 4 of the specification, lines 8-9). In addition, in semiconductor device fabrication, because it is a sub-micron high precision process, the thickness of each layer of material deposited is inherently determined. A portion of the layer of refractory metal is converted to a metal silicide by performing one or more anneal processes (page 3 of the specification, lines 10-14), A duration of an etching process is determined to remove unreacted portions of the refractory metal layer based on the determined thickness of the refractory metal layer (page 4 of the specification, lines 8-10). The etching process may be performed

for the determined duration to remove the unreacted portions of the refractory metal layer (the specification, lines 22-23 of page 3, lines 9-10 of page 4). The limitations of claims 1, 8, 9, 12, and 17 have been addressed above.

As to dependent claims 2-4 and 13, see the specification, lines 1-10 of page 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 10, 11, 14, 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art.

The discussion of admitted prior art from above is repeated here. Claims 5-7 differ from the admitted prior art by specifying determine a thickness of the layer of metal based on single measurement or multiple measurements or an average thickness, however, it is simply a simple engineering practice and data collection to measure a thickness of a layer and repeat the measurement as many times as needed for smooth the measurement deviations (e.g., the average and the standard deviation), and indeed, as stated above, in semiconductor device fabrication, because it is a sub-micron high precision process, the thickness of each layer of material deposited is inherently determined.

As to dependent claims 10,11, 18, and 19, according to the basic engineering principle of annealing /diffusion, the annealing /diffusion process is a function of temperature and thickness of the material, therefore, the unreacted portion of the material is also a function of temperature and thickness, and a duration to remove unreacted portions of material is accordingly as a function of the temperature and the thickness of the material (so-called correlates the duration of the etching process to the determined thickness of the refractory metal layer in the instant claims). It would be obvious to one skilled in the art to perform data acquisition such as tabulate / extrapolate/ manipulate data and using statistics tools (regression, extrapolation, best-fit) to perform the calculation.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (703) 305-0222. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2934.

K-C C
June 28, 2002

Kin-Chan Chen
Patent Examiner
Group Art Unit 1765